

PROB 12C
(6/16)

Report Date: May 11, 2021

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**May 12, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin William Russell

Case Number: 0980 2:19CR00196-RMP-1

Address of Offender:

Spokane Valley, Washington 99206

Name of Sentencing Judicial Officer: The Honorable Edward J. Lodge, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District

Date of Original Sentence: February 20, 2015

Original Offense: Conspiracy to Distribute Methamphetamine, 21 U.S.C. § 846

Original Sentence: Prison - 77 months
TSR - 60 months

Type of Supervision: Supervised Release

Amended Judgment: Prison - 77 months
(February 20, 2015) TSR - 60 monthsAmended Sentence: Prison - 66 months
(November 24, 2015) TSR - 60 months

Asst. U.S. Attorney: George J.C. Jacobs, III

Date Supervision Commenced: September 24, 2018

Defense Attorney: Federal Defenders Office

Date Supervision Expires: September 23, 2023

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/22/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

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Mandatory Condition #3: The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of five (5) periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. Cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: It is alleged that Mr. Russell violated the terms of his supervised release on May 10, 2021, for failing to submit to a urinalysis as directed.

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On May 13, 2019, Mr. Russell reported to the U.S. Probation Office for the purpose of an intake. It was at that time, he was informed of all mandatory, standard, and special conditions of supervised release. Mr. Russell acknowledged he understood his obligation to the Court.

On December 4, 2020, Mr. Russell was advised he would be placed on the phase urinalysis testing program at Pioneer Human Services (PHS). Mr. Russell was further advised he would be on the urinalysis testing color brown. He was directed to call the testing line every day, and was to report to PHS on the days that brown was called, in order to submit to urinalysis testing. Mr. Russell acknowledged an understanding of this process.

On May 10, 2021, without being excused, Mr. Russell failed to report to PHS to submit to urinalysis testing, as his previously assigned color, brown, was scheduled for testing on this date.

5 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of five (5) periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. Cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: It is alleged that Mr. Russell violated the terms of his supervised release on or about May 10, 2021, by using methamphetamine.

On May 13, 2019, Mr. Russell reported to the U.S. Probation Office for the purpose of an intake. It was at that time, he was informed of all mandatory, standard, and special conditions of supervised release. Mr. Russell acknowledged he understood his obligation to the Court.

On May 11, 2021, in response to Mr. Russell failing to submit to urinalysis testing on May 10, 2021, the undersigned contacted Mr. Russell and directed him to report to PHS to provide a urinalysis. Mr. Russell reported to PHS as directed, and per PHS staff, while Mr. Russell was attempting to provide a urinalysis, PHS staff noticed what appeared to be a device on his person and requested to observe said device. Mr. Russell then became uncooperative and testing was terminated. After departing PHS, Mr. Russell contacted the undersigned and admitted that he brought a device to PHS and that he last used methamphetamine on the evening of May 10, 2021.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/11/2021

s/Jonathan C. Bot

Jonathan C. Bot
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

5/12/2021

Date